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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,263	09/26/2003	Gi Joong Jeong	1594.1270	4910

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EXAMINER

JIANG, CHEN WEN

ART UNIT PAPER NUMBER

3744

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/670,263	Applicant(s) JEONG ET AL.	
	Examiner Chen-Wen Jiang	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-16 and 23 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 17-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. The amendments and remarks presented by the applicant have been duly noted.

However, a further search and review of the prior art of record has prompted the presentation of new rejections presented below. In view of such, the previous rejections in the first office action have been withdrawn.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,3,9,10,11,12,13 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Frohbieter (U.S. Patent Number 4,732,009).

Frohbieter discloses a refrigerator compartment for accurately controlled temperature. Referring to Figs.1,2 and 7-9, the refrigerator comprises a refrigerator compartment 14, a freezer compartment 18 and a temperature-controlled compartment 28. Referring to Fig.7, the refrigerator further comprises a cool air inlet duct 106 from the freezer compartment 104 to the temperature controlled compartment 100, cool air outlet duct 110 return to the freezer compartment, temperature sensor 68 and a fan 36. Referring to Fig. 3, the controlled temperature compartment 28 is partially enclosed by insulated walls 58 of the cabinet 12, including a lower insulated wall 60 between the compartment 28 and the refrigerator 14. The door 30 completes the enclosure and is mounted to the lower wall 60 by a hinge 62. Referring to FIG. 4, the slide

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control 54 includes a display 82 indicating the temperatures to which the air temperature within the controlled temperature compartment 28 may be set.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4,5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frohbieter (U.S. Patent Number 4,732,009) in view of Nonaka (U.S. Patent Number 4,689,966).

Frohbieter discloses the invention substantially as claimed. However, Frohbieter does not disclose plate damper at duct inlet. Nonaka discloses plate damper in the same field of endeavor for the purpose of control airflow in the refrigerator. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Frohbieter with a plate damper at inlet in view of Nonaka so as to control cooling airflow.

6. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frohbieter (U.S. Patent Number 4,732,009).

Frohbieter discloses the invention substantially as claimed. Frohbieter does not disclose fan is positioned in the freezer and in the inlet port. Upon a close review of applicant's specification, it appears that the claimed locations do not have any criticality and/or lead to any new and unexpected results. The fact that the applicant places the fan in the freezer or in the inlet port is mere matter of engineering design choice which, in absence of a statement regarding

criticality or new and unexpected results, would have been an obvious choice of fan placement for the purpose of moving cooling air from the freezer to the temperature controlled compartment.

*Allowable Subject Matter*

7. Claims 6-8 and 17-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chen-Wen Jiang whose telephone number is (571) 272-4809. The examiner can normally be reached on Tuesday-Friday from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on (571) 272-4808. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chen-Wen Jiang  
Primary Examiner

